Remarks:

Applicant has carefully studied the final Examiner's Action mailed 11/13/2006, having a shortened statutory period for response that expired 02/13/2007 and having an extended statutory period for response set to expire 03/13/2007, and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings and numbered paragraphs that correspond to the centered headings and paragraph numbering employed by the Office, to ensure full response on the merits to each finding of the Office.

DETAILED ACTION

1. Applicant acknowledges that the outstanding Office action is a final action.

Drawings

2. Applicant thanks the Office for approving the drawing correction.

Claim Rejections – 35 USC § 103

3. Applicant acknowledges the quotation of 35 USC 103(a).

4. Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Hunkin et al. (hereinafter "Hunkin") in view of Krueger. Reconsideration and withdrawal of this ground of rejection is requested for the reasons that follow.

As the Office acknowledges, Hunkin lacks annular bead 46 at the leading end of the tapered sidewalls of the valve housing of the bailer, and further lacks annular groove 48 formed in the interior sidewalls of the bottom-emptying device. Accordingly, the valve housing and bottom-emptying device of Hunkin cannot interlock with one another and a user of the Hunkin device must hold the bottom-emptying device in close proximity to the valve housing while waiting for the bailer to drain.

The Office therefore cites Krueger to support its position that Krueger teaches a housing having an annular bead on the leading edge of a wall and an annular groove in an interior surface of a sidewall to snap on and retain an airtight relation between the wall and the sidewall and that one of ordinary skill would have deemed it obvious to apply the bead and groove of Krueger to the Hunkin device.

In the alternative, the Office further contends that Applicant's admission that beads and grooves are well known is an admission that it would have been obvious to apply any well known bead and groove to Hunkin.

There are several reasons why neither Krueger nor Applicant's admission when added to Hunkin justifies the disallowance of Applicant's claims as currently amended.

First, the Krueger structure is not a part of the pertinent prior art of bailers. Krueger discloses a filter unit having no bottom-emptying device that unseats a floating ball valve. It merely provides a capped downspout; cap 33 is removed to allow liquid fluid to flow from the filter in the complete absence of valve-unseating as taught by Applicant and Hunkin.

Second, the snap fit connection between cylindrical hollow body 7 and funnel-like member 15 is made at a factory in a sterile environment and said body 7 and funnel 15 are never separated from one another after such factory assembly. Thus it would be unfair to Applicant if the pending claims are not allowed in view of the fact that Krueger's bead and groove structure forms a permanently attached joint that plays no part in the emptying of the filter. Krueger clearly teaches away from a removably mounted bead and groove structure as taught only by Applicant.

Third, to use the Krueger device, top cap 11 is removed from the trailing end of hollow body 7 and bottom cap 33 is removed. There is no snap fit connection between bottom cap 33 and downspout 19. In fairness to Applicant, said bottom cap 33 clearly corresponds to Applicant's bottom-emptying device and said bottom cap clearly is not snap fit onto said downspout.

Fourth, Krueger's filter 15 with its snap fit connection to housing 7 is never removed so it would be unfair to Applicant to compare that connection with Applicant's removable connection between the bottom-emptying device and the valve housing.

Fifth, the filter of Krueger has no upstanding peg to unseat a floating ball valve. Therefore it would not have been obvious to transport the bead and groove structure from the Krueger structure to a structure like that of Hunkin. Applicant created a bead and groove connection in a Hunkin-like environment, but not with an impetus from Krueger.

The Krueger structure is therefore in sharp and distinct contrast to Applicant's structure where a valve-displacing, bottom-emptying device is removably snapped onto the bailer in the field and removed after use.

Applicant freely admits that snap fit bead and groove connections are well-known, but such admission clearly is not an admission that the claimed invention is well known or that it would have been obvious to apply a bead and groove to any bailer. For example, many conventional ballpoint pens include such a connection for securing a lid to the body of the pen. Applicant makes no claim to having invented such type of connection. What Applicant claims is a bead and groove connection in the context of a bailer and a device that enables bottom-emptying of a bailer. Hunkin discloses a bailer and a device that enables bottom-emptying of a bailer but Hunkin includes no structure that removably secures the bottom-emptying device to the bailer. Nor does Krueger. Krueger includes no valve-lifting bottom-emptying device and the snap fit connection provided by Krueger is between a cylindrical body and a filter as aforesaid, not between a bailer and a bottom-emptying device. Significantly, the snap fit connection is not a removable connection, thereby strongly teaching away from Applicant's contribution to the art.

Applicant's claim is drawn with precision to a bailer construction having a bottom-emptying device that is removably held onto the trailing end of a bailer valve housing by a bead and groove construction, thereby freeing a user from holding the device during the duration of the bailer-emptying process and protecting the user's hands from being contacted by harmful fluids such as strongly acidic fluids or the like. This is Applicant's contribution, and the presence of a bead and groove structure in the special-use, non-bailer Krueger apparatus to form a connection that is never separated by a user would not have rendered Applicant's contribution obvious at the time it was made any more than the well-known ballpoint pen and lid connection would have. In fairness to Applicant, the claims as now amended a third time should be allowed.

Response to Arguments

5. Applicant thanks the Office for withdrawing the rejections made in the second Office Action and further acknowledges the new grounds of rejection. A Request For Continued Examination is attached hereto.

Conclusion

6. Applicant agrees that the art made of record and not relied upon is not more pertinent to the claimed invention than the art cited.

7. A Notice of Allowance is solicited. If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in

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condition for allowance, a telephone call to the undersigned at (813) 925-8505 is requested. Applicant thanks the Office for its careful examination of this important patent application.

Very respectfully,

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Dated: March 13, 2007

pc: Mr. David W. Pratt

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this Amendment C, including Introductory Comments, Amendments to the Claims and Remarks, together with A Request For Continued Examination is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3652, Attn: Paul T. Chin, (571) 273-8300 on March 13, 2007.

Dated: March 13, 2007

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Deborah Preza